

# **LOUISIANA TARGETED BROWNFIELDS ASSESSMENT SERVICES**

## **APPLICATION PACKAGE**



**Louisiana Department of Environmental Quality**  
**Office of Environmental Assessment**  
**Remediation Services Division**

**February 12, 2005**



# State of Louisiana

## Department of Environmental Quality



KATHLEEN BABINEAUX BLANCO  
GOVERNOR

MIKE D. McDANIEL, Ph.D.  
SECRETARY

February 28, 2005

### MEMORANDUM

TO: Potential Applicants for Louisiana Targeted Brownfields Assessment Services

FROM: Wilbert F. Jordan, Jr. *WJ*  
Assistant Secretary

SUBJECT: Louisiana Targeted Brownfields Assessment Services

In the interest of facilitating and promoting the cleanup and redevelopment of brownfield properties in our state and thereby promoting the protection of public health and our environment as well as economic growth, the Louisiana Department of Environmental Quality (LDEQ) is hereby introducing the Louisiana Targeted Brownfields Assessment Services Program.

Using Targeted Brownfields Assessment funds provided by the United States Environmental Protection Agency in accordance with the guidelines contained in the application package, LDEQ will conduct a limited number of Targeted Brownfields Assessments at qualifying brownfield properties in Louisiana. The number of assessments, of course, will be limited to funds available.

***Applications for these services will be accepted during specific application periods to be announced in advance by LDEQ. Applications will NOT be accepted on a continuous basis. Applications received by LDEQ outside of an announced application period will not be reviewed.***

***Application periods will be announced by a NOTIFICATION LETTER to be published in the Potpourri Section of the Louisiana Register and/or mailed or otherwise provided to appropriate interested parties. The NOTIFICATION LETTER will set out any additional application and selection procedures or requirements for the application period.***

Local government entities (i.e., cities, towns, parishes), quasi-governmental entities (e.g., planning commissions, etc.), and qualified non-profit organizations are encouraged to apply during the announced application periods.

***Attached is an application package for Louisiana Targeted Brownfields Assessment Services.*** This application package contains specific guidelines for eligibility, ranking of applications, and the application process itself.

Thank you for your interest in Louisiana Targeted Brownfields Assessment Services. Please contact Roger Gingles or Duane Wilson at (225)219-3236 if you have any questions.

# **APPLICATION PACKAGE FOR LOUISIANA TARGETED BROWNFIELDS ASSESSMENT SERVICES (LTBAS)**

**Louisiana Department of Environmental Quality  
Remediation Services Division**

## **APPLICATION GUIDELINES**

### **INTRODUCTION**

Using Targeted Brownfields Assessment funding provided by the United States Environmental Protection Agency, the Louisiana Department of Environmental Quality will conduct a limited number of Targeted Brownfields Assessments at qualified properties in Louisiana. These assessments may include Phase 1 Environmental Site Assessments and Phase 2 Environmental Site Assessments conducted in accordance with ASTM guidelines<sup>1</sup>, as well as other environmental assessments conducted in accordance with the Louisiana Risk Evaluation/Corrective Action Program (RECAP) Regulations<sup>2</sup>. These assessments may be conducted by an LDEQ contractor, LDEQ personnel, or a combination of both.

These assessments are intended to facilitate and promote the cleanup and redevelopment of qualifying brownfields properties in Louisiana, thereby promoting the protection of public health and the environment and economic growth in our state.

Applicants should note that these Targeted Brownfields Assessment Services will generally be conducted by a contractor to be employed and directed by LDEQ. In order to assure a orderly and efficient process, successful applicants must communicate with the TBA contractor only through LDEQ staff unless otherwise advised by LDEQ.

## GENERAL APPLICATION PROCESS

On a periodic basis as funding allows, LDEQ will publicly announce a **Louisiana Targeted Brownfields Assessment Services Application Period** (beginning date and deadline date) during which it will receive applications from eligible entities.

***Please note: Applications will be accepted only during an announced application period. They will not be accepted on a continuous basis.***

***Application periods will be announced by a NOTIFICATION LETTER to be published in the Potpourri Section of the Louisiana Register and mailed or otherwise provided to appropriate interested parties. The NOTIFICATION LETTER will set out any additional application and selection procedures or requirements for the application period.***

Entities eligible to apply for Louisiana TBA Services will be limited to government entities, quasi-governmental entities (e.g., planning commissions), and qualified non-profit organizations<sup>3</sup>. During these designated application periods, eligible applicants will be limited to three applications per organization. New applications must be submitted for each TBA Services Application Period.

Applicants may apply for Phase 1, Phase 2, or in certain circumstances, limited RECAP assessments to be conducted on eligible properties. **In no case will applications be accepted after close of business on the deadline date.**

Applicants will be required to submit the enclosed **Application Form for Louisiana Targeted Brownfields Assessment Services** in which they provide basic information, demonstrate eligibility, and address several property ranking factors. Applications received by LDEQ will be evaluated by an internal TBA Review Team composed of individuals with expertise in environmental site investigation and remediation, RECAP, and brownfields issues.

## SELECTION PROCESS

After determination that an applicant and property are eligible, the property ranking factors will be used by LDEQ to prioritize brownfield properties for Louisiana TBA services. In addition to utilizing property ranking factors to prioritize brownfields properties, LDEQ may also take into account geographical considerations, types of assessments requested, benefits to the state as a whole, statewide priorities, limits on TBA funding, availability of other federal brownfields

funding, and other factors in ranking and selecting properties for Louisiana TBA Services.

The number and timing of Louisiana Targeted Brownfields Assessments will depend, of course, on availability of funding, LDEQ TBA Services contractors, and LDEQ personnel, and will occur strictly at the discretion of LDEQ. Upon selection of a property for assessment, LDEQ will notify the applicant by certified mail.

## **ADDITIONAL SPECIFIC APPLICATION GUIDELINES**

LDEQ may also provide additional, more specific application guidelines at each announced Louisiana TBA Services Application Period in the **NOTIFICATION LETTER** for that application period.

## **SUBMISSION REQUIREMENTS:**

Three copies of the completed application must be received during the designated Louisiana TBA Services Application Period (before close of business on the applicable deadline) at the following address:

Louisiana Department of Environmental Quality  
Remediation Services Division  
P. O. Box 4314  
Baton Rouge, LA 70821-4314

Attention: Roger Gingles

Applications may also be delivered to the LDEQ Remediation Services Division at 602 North Fifth St., Baton Rouge, LA 70802, Galvez Building. Applications that are hand-delivered should be placed in the first floor drop box.

<sup>1</sup>American Society for Testing and Materials (ASTM) Standard E 1527-00, Standard Practice for Environmental Site Assessments, ***Phase I Environmental Site Assessment Process***

<sup>1</sup>ASTM Guidance Standard E 1903-97 Standard Guide for Environmental Site Assessments, ***Phase II Environmental Site Assessment Process***

<sup>2</sup>LAC 33:I.Chapter 13 and Louisiana Risk/Evaluation Corrective Action Program (LDEQ, October 20, 2003)

<sup>3</sup>For the purposes of Louisiana TBA Services, a ***qualified non-profit organization*** is defined in accordance with Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106-107, as any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purpose in the public interest; is not organized principally for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.

# **APPLICATION FORM FOR LOUISIANA TARGETED BROWNFIELDS ASSESSMENT SERVICES**

## **Louisiana Department of Environmental Quality Remediation Services Division**

The applicant must complete the entire application form and sign certification statement below. Unsigned or incomplete applications will not be accepted. Only one application per site can be considered and each applicant may submit no more than three applications for review during a designated application period. New applications must be submitted for each TBA Services Application Period.

At the sole discretion of LDEQ, applications found not to meet eligibility criteria or containing unsubstantiated statements will be rejected. LDEQ may require that more information be provided by the applicant after initial evaluation. Also, ranking factors may be re-scored by LDEQ based on the TBA Review Team evaluation of information provided in the application.

### **I. APPLICANT INFORMATION**

A. Name: (City, Parish, Agency, etc.)

B. Type: (Check one)

Government entity  
Quasi-governmental entity  
Non-Profit Organization

C. Mailing Address:

P. O. Box or No. and Street:

City:

State:

Zip Code:

D. Physical Address (if different):

No. and Street:

City:

State:

Zip Code:

E. Contact Person:

Name:

Title:

Organization:

Phone:

Fax:

Email:

## **II. BASIC PROPERTY INFORMATION**

A. Agency Interest (AI) Number (if assigned):

B. Site Name(s):

C. Parish:

D. Property Size (acres):

E. Physical Address or Direction and Distance from Nearest Intersection:

F. Latitude/Longitude:

G. Section/Township/Range (Attach legal property description):

H. Ownership (list, describe, and attach documentation of the ownership of the property, including contact information for the owner):

I. Surrounding Land Use (Describe briefly the types of land use on property surrounding the site to be assessed, for example, types of businesses, agricultural, etc.):



### III. TYPE OF ASSESSMENT NEEDED AT PROPERTY

Check One:

A. Phase 1 ESA:

B. Phase 2 ESA:

(Applicant must attach Phase 1 ESA Report.)

C. Limited further RECAP Assessment (e.g., expanded Phase 2 or filling data existing data gaps):

(Attach detailed description of the assessment/investigation work needed and include the Phase 1 ESA Report, Phase 2 ESA Report, and/or any other relevant historical environmental investigation/assessment reports, data, or other information. Please note that in special circumstances LDEQ will consider TBA services that fill existing data gaps to determine nature and extent of contamination or cleanup options and costs, but will not generally consider performing full RECAP assessments to determine the nature and extent of contamination.)

### IV. CERTIFICATION, INDEMNIFICATION, AND LIABILITY RELEASE

***This section must be signed by either a principal executive officer or a ranking elected official.***

The undersigned certifies the information submitted is, to the best of the undersigned's knowledge and belief, true, accurate, and complete. The undersigned agrees on behalf of the applicant to hereby release, indemnify, and hold harmless the Louisiana Department of Environmental Quality (LDEQ), its agents, employees, officers, principals, and successors from all liability, claims, damages, or actions, including attorney's fees and expenses of litigation, that arise or result from the performance of the Louisiana Targeted Brownfields

Assessment Services, regardless of whether such liability, claims, damages, or actions are caused in whole or in part by a negligent act or omission of LDEQ, its agents, employees, officers, principals, and successors.

By:

Date:

Printed Name:

Title:

## **V. ELIGIBILITY REQUIREMENTS**

### **A. Property Eligibility**

**Properties must meet the following requirements to be eligible for Louisiana TBA services.**

**For each factor (in the space below each factor), please provide a statement no longer than one-half page in length to address the factor and to support and justify your answer. Further supporting documentation (not limited in length) may be provided in the attachments.**

1. The property must be located in the State of Louisiana and meet the requirements for eligibility set forth in the Louisiana Voluntary Remediation Regulations in LAC 33:VI.905.

[Provide up to one-half page statement.]

2. The property must be owned or anticipated to be acquired by a government entity, quasi-government entity, or qualified non-profit organization.

[Provide up to one-half page statement.]

3. The property must be contaminated or suspected to be contaminated with hazardous substances. Properties contaminated only with petroleum products are not eligible.

[Provide up to one-half page statement.]

4. The property must be abandoned or under-utilized.

[Provide up to one-half page statement.]

5. Louisiana TBA services will not be performed to financially benefit private owners who are responsible persons as defined in the Louisiana Voluntary Remediation Regulations (LAC 33.VI.903). Please explain how such responsible persons will not benefit financially from these services.

[Provide up to one-half page statement.]

## **B. Applicant Eligibility**

**Applicants must meet the following requirements to be eligible to receive Louisiana TBA services.**

**For each factor (in the space below each factor), please provide a statement no longer than one-half page in length to address the factor and to support and justify your answer. Further supporting documentation (not limited in length) may be provided in the attachments.**

1. The applicant for Louisiana TBA services must be a government or quasi-governmental entity, or a qualified non-profit organization.

[Provide up to one-half page statement.]

2. The applicant must agree to arrange property access and security for LDEQ and its contractors/agents to perform TBA services.

[Provide up to one-half page statement and attach signed **Right-of-Way, Access, and Use Agreement** provided in Appendix 1. Please note that no changes can be made in the Right-of-Way, Access, and Use Agreement text without prior approval from LDEQ.]

3. The applicant is expected to provide some leveraging for Louisiana TBA services in the form of in-kind services. Generally, an in-kind match equal to 10% should be provided. LDEQ will consider accepting previous expenditures of cash or in-kind services on the property as leveraging for the purposes of this application. LDEQ may ask for higher leveraging for more expensive assessments

[Provide up to one-half page statement.]

## VI. PROPERTY RANKING FACTORS

Check the single most appropriate answer for each question below and total the corresponding points for all questions. Select only one blank for each question.

For each answer (in the space below the answer), please provide a statement no longer than one-half page in length. This statement must support and justify the answer. Further supporting documentation (not limited in length) may also be provided in the attachments. LDEQ reserves the right to re-score the question based on the content of the statement and supporting documentation.

### A. Individual Ranking Factors

#### 1. *What is the ownership status of the property?*

Undisputed ownership      \_\_\_\_\_ 15 points

Disputed ownership      \_\_\_\_\_ 8 points

[Provide up to one-half page statement.]

#### 2. *What is the estimated cost of remediation of the property?*

Probable low cost (<\$200,000)      \_\_\_\_\_ 15 points

Probable moderate cost (\$200,000 to \$500,000)      \_\_\_\_\_ 10 points

Unknown cost      \_\_\_\_\_ 5 points

Probable high cost (>\$500,000)      \_\_\_\_\_ 0 points

[Provide up to one-half page statement.]

**3. What is the degree of resources available for cleanup?**

Committed adequate funds for cleanup \_\_\_\_\_ 20 points

Value of property after cleanup expected to exceed cleanup costs or public entity with some funding or expected funding \_\_\_\_\_ 10 points

Neither \_\_\_\_\_ 0 points

[Provide up to one-half page statement.]

**4. What is the redevelopment potential for the property?**

Clear, feasible, coordinated plan for redevelopment \_\_\_\_\_ 20 points

Some developer/buyer interest in property \_\_\_\_\_ 10 points

Neither \_\_\_\_\_ 0 points

[Provide up to one-half page statement.]

**5. What is the potential for creation of permanent jobs as a result of redevelopment of the property?**

Probably 50 or more jobs within two years after cleanup \_\_\_\_\_ 15 points

Probably 10 to 50 jobs within two years after cleanup \_\_\_\_\_ 10 points

Less than 10 jobs within two years after cleanup \_\_\_\_\_ 5 points

[Provide up to one-half page statement.]

**6. *What are the community issues and community needs in the area surrounding the property?***

Clear need of community for revitalization evidenced by significant deterioration and majority low income households in the community \_\_\_\_\_ 15 points

Clear need of community for revitalization evidenced by significant deterioration \_\_\_\_\_ 10 points

Majority low income households in the community \_\_\_\_\_ 5 points

Neither \_\_\_\_\_ 0 points

[Provide up to one-half page statement.]

**B. TOTAL SCORE OF FACTORS BY APPLICANT**

**GRAND TOTAL** \_\_\_\_\_ **points**  
**(Maximum 100 points)**

**VII. Attachments**

**All attachments to the application form, including supporting documentation, must be clearly labeled as to the section in the application form to which they refer and must be ordered in the same sequence as the application form. All attachments must be on letter size paper or (for oversize documents) on 11" by 17" paper which is neatly folded to letter size. Use of binders for applications with a large volume of attachments is encouraged.**

## APPENDIX I

### RIGHT-OF-WAY, ACCESS, AND USE AGREEMENT

[name] Parish, Louisiana

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, between the Louisiana Department of Environmental Quality (LDEQ) and *(landowner) (of address of property)*. The purpose of this agreement is to grant LDEQ and/or its authorized representative(s) access to conduct environmentally related activities at the *(Name of Site)*. (provide legal description of property if available)

#### I. AGREEMENT FOR RIGHT-OF-WAY, ACCESS, AND USE

I/We hereby grant to the Louisiana Department of Environmental Quality (LDEQ), its authorized representatives, their successors, assigns, employees, contractors, subcontractors, consultants, officers, agents, and representatives including such personnel as may be assigned by the LDEQ, or other federal, state, and local agencies and their officials the right to enter the property identified above and to have continued access and use of, by, through, and on the property for the following purposes:

- (1) To make and document scientific and engineering observations, including, but not limited to taking notes, recordings, photographs, and surveying;
- (2) To collect soil, surface water, pond sediment, and groundwater samples for use in studies and investigation evaluations. Samples may be collected using the following methods: (1) hydraulic push

- technology for soil samples; (2) “syringe sampler” for the sediment samples, (3) direct surface water samples collection from the pond, and (4) groundwater samples collection using groundwater wells;
- (3) To drill and finish boreholes for the purposes of collecting soil and groundwater samples without limitation;
  - (4) To analyze the samples collected during site investigations and publish analytical results without limitation; and
  - (5) If required by the results of the sampling investigation, to conduct any and all environmental remedial measures.

## **II. PERIOD OF PERFORMANCE**

Access granted under the terms described herein will remain in effect under this agreement for a period not to exceed \_\_\_\_ years.

## **III. COMMITMENTS**

- (A) Boreholes and groundwater wells will be refilled, and plugged and abandoned, respectively or otherwise returned as near as practicable to a condition similar to the pre-existing conditions.
- (B) Results of these sampling, and if needed remedial measures, will be made available, upon request to the property owner, within a reasonable time following each activity.
- (C) For any additional site activities, not otherwise specified by paragraph I of this agreement, the landowner or owner’s



representative shall be provided a minimum of one (1) week's notice before the implementation of such activities.

- (D) If required, excavations will be refilled, grouted, etc., or otherwise returned as near as practicable to a condition similar to the pre-existing condition.

#### IV. ENTIRE AGREEMENT

This instrument contains the entire agreement between the State of Louisiana Corporation and the land owner(s). It may not be changed orally, but only by written agreement between the parties.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Owner and address)

By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Additional owners and address)

By: \_\_\_\_\_ Date: \_\_\_\_\_

Wilbert F. Jordan, Jr.  
Assistant Secretary  
Office of Environmental Assessment  
Department of Environmental Quality